

Timothy J. O'Hanlon, OSB No. 87309
MAUTZ BAUM & O'HANLON, LLP
101 SE BYERS AVE
PO BOX 628
PENDLETON OR 97801-0628
Telephone: (541) 276-2811
Fax: (541) 276-0543
E-mail: mbo@mautzetal.com
Attorneys for Defendant Frank J. Spokas, Jr., M.D.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

GLENN H. SONSTENG, Personal)	Civil No. 3:06-CV-476-SU
Representative of the Estate of)	
EDNA M. SONSTENG, Deceased,)	
)	
Plaintiff,)	DEFENDANT'S PROPOSED
)	VERDICT FORM
v.)	
)	
THE DOMINICAN SISTERS OF)	
ONTARIO, INC., an Oregon)	
non-profit corporation, dba HOLY)	
ROSARY MEDICAL CENTER;)	
JOSEPH J. BOYLE, M.D., and)	
FRANK J. SPOKAS, M.D.,)	
)	
Defendants.)	

Your answers to each of these questions must be unanimous.

We, the jury, find:

1. Did defendant Spokas' implied representation cause decedent to delay filing her action until more than 5 years after her treatment?

ANSWER: _____
(Yes or No)

/ / /

If your answer to question 1 is "no", your verdict is for Defendant Frank J. Spokas. Do not answer any more questions. If your answer to question 1 is "yes", proceed to question 2.

2. Was the Defendant Frank J. Spokas, MD negligent in one or more of the ways plaintiff claims and, if so, was such negligence a cause of injury or damage to the plaintiff?

ANSWER: _____
(Yes or No)

If your answer to question 2 is "no," your verdict is for Defendant Frank J. Spokas, MD. Do not answer any more questions. If your answer to question 2 is "yes", proceed to question Proceed to question 3a.

3a. Was the Dominican Sisters of Ontario, Inc. dba Holy Rosary Medical Center negligent and, if so, was such negligence a cause of injury or damage to the plaintiff?

ANSWER: _____
(Yes or No)

Proceed to question 3b.

3b. Was Dr. Joseph J. Boyle negligent and, if so, was such negligence a cause of injury or damage to the plaintiff?

ANSWER: _____
(Yes or No)

Proceed to Question 3c.

3c. What is the percentage of each party's negligence that caused damage to the plaintiff?

ANSWER: Defendant Frank J. Spokas, MD _____ %
Dominican Sisters of Ontario, _____ %
Inc. dba Holy Rosary Medical Center
Joseph J. Boyle, MD _____ %
(The percentages must total 100%.)

For any of the parties that you determined were not negligent, you should assign "0" as that party's percentage.

Proceed to question 4a.

//

//

2 - DEFENDANT'S PROPOSED VERDICT FORM

(Case No. 3:06CV-476-SU)

4a. Did defendant Spokas' negligence cause decedent's death?

ANSWER: _____
(Yes or No)

If your answer to question 4a is "no", proceed to question 5a. If your answer to question 4a is "yes", proceed to question 4b.

4b. What are the plaintiff's damages?

ANSWER: Economic Damages \$_____
Noneconomic Damages \$_____

If you answered question 4b do not answer questions 5a or 5b.

5a. Did Dr. Spokas' negligence injure decedent?

ANSWER: _____
(Yes or No)

If your answer to question 5a is "yes", proceed to question 5b.

5b. What are the plaintiff's damages?

ANSWER: Economic Damages \$_____
Noneconomic Damages \$_____

Do not reduce the damages by the combined percentage of fault of the Dominican Sisters of Ontario, Inc. dba Holy Rosary medical Center and Joseph J. Boyle, MD, if any, because the court will do this when entering judgment.

DATED: _____

Presiding Juror